

2114 JFW

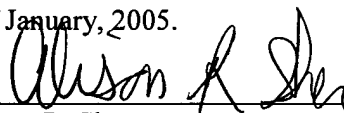
PATENT  
Attorney Docket No. CON-004  
(1790/66)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Engel  
SERIAL NO.: 09/401,874 GROUP NO.: 2114  
FILING DATE: September 23, 1999 EXAMINER: Le, Diet-Minh T  
TITLE: IDENTIFYING A FAILED DEVICE IN A NETWORK

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any documents referred to as enclosed herein, are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7<sup>th</sup> day of January, 2005.

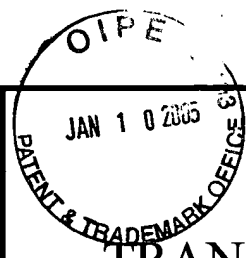
  
Alison R. Sher

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

1. Transmittal Form (1 pg.);
2. Fee Transmittal Form (1 pg.);
3. Check No. 240116 in the amount of \$180.00;
4. Second Information Disclosure Statement (2 pgs.);
5. Form PTO-1449 (1 pg.);
6. Copies of IDS Citations (C1-C3); and
7. Return Receipt Postcard.



# TRANSMITTAL FORM

|                           |                    |
|---------------------------|--------------------|
| Application Serial Number | 09/401,874         |
| Filing Date               | September 23, 1999 |
| First Named Inventor      | Engel              |
| Group Art Unit            | 2114               |
| Examiner Name             | Le, Diet-Minh T    |
| Attorney Docket No.       | CON-004 (1790/66)  |
| Patent No.                | Not applicable     |
| Issue Date                | Not applicable     |

## ENCLOSURES (check all that apply)

|  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form (1 pg.)<br><input checked="" type="checkbox"/> Check Attached<br><input type="checkbox"/> Copy of Fee Transmittal Form  | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application  | <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Response<br><input type="checkbox"/> Preliminary<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] | <input type="checkbox"/> Formal Drawing(s)  | <input type="checkbox"/> Appeal Brief (in triplicate)                                      |
| <input type="checkbox"/> Petition for Extension of Time  | <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal  | <input type="checkbox"/> Status Inquiry  |
| <input checked="" type="checkbox"/> Second Information Disclosure Statement (2 pgs.)<br><input checked="" type="checkbox"/> Form PTO-1449 (1 pg.)<br><input checked="" type="checkbox"/> Copies of IDS Citations (C1-C3)   | <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)   | <input checked="" type="checkbox"/> Return Receipt Postcard                                |
| <input type="checkbox"/> Certified Copy of Priority Document(s)  | <input type="checkbox"/> Terminal Disclaimer  | <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 |
| <input type="checkbox"/> Sequence Listing submission<br><input type="checkbox"/> Paper Copy/CD<br><input type="checkbox"/> Computer Readable Copy<br><input type="checkbox"/> Statement verifying identity of above  | <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application                        | <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8         |
|  | <input type="checkbox"/> Small Entity Statement   | <input type="checkbox"/> Additional Enclosure(s) (please identify below)                   |
|  | <input type="checkbox"/> CD(s) for large table or computer program  |  |
|  | <input type="checkbox"/> Amendment After Allowance  |  |
|  | <input type="checkbox"/> Request for Certificate of Correction<br><input type="checkbox"/> Certificate of Correction (in duplicate) |  |

## CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110  
Tel. No.: (617) 248-7000  
Fax No.: (617) 248-7100

## SIGNATURE BLOCK

Respectfully submitted,  
  
Date: January 7, 2005  
Reg. No. 50,389  
Tel. No.: (617) 248-7097  
Fax No.: (617) 248-7100  
Robert S. Blasi, Esq.  
Attorney for the Applicant  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110



JAN 10 2005

|                           |                    |
|---------------------------|--------------------|
| Application Serial Number | 09/401,874         |
| Filing Date               | September 23, 1999 |
| First Named Inventor      | Engel              |
| Group Art Unit            | 2114               |
| Examiner Name             | Le, Diet-Minh T    |
| Attorney Docket No.       | CON-004 (1790/66)  |

**FEE CALCULATION (continued)**

- ### 3. ADDITIONAL FEES

### FEE CALCULATION

## 1. FILING/SEARCH/EXAM/SIZE FEES

## Large Entity

| Fee (\$) | Fee Description | Fee Paid |
|----------|-----------------|----------|
|----------|-----------------|----------|

|     |  |
|-----|--|
| 300 | Utility filing fee                             |
| 500 | Utility search fee                             |
| 200 | Utility exam fee                               |
| 250 | Utility size fee (each add'l 50 pgs. over 100) |
| 200 | Design filing fee                              |
| 100 | Design search fee                              |
| 130 | Design exam fee                                |
| 250 | Design size fee (each add'l 50 pgs. over 100)  |

|              | Number<br>Filed | Number<br>Extra | Rate         | Amount |
|--------------|-----------------|-----------------|--------------|--------|
| Total Claims | - 20 =          |                 | x \$ 50.00 = |        |

Independent  
Claims                      - 3 =                      x \$200.00 =

☐ Multiple Dependent Claim(s), if any \$360.00 =  
TOTAL:

**SMALL ENTITY DISCOUNT:**

|                     |      |   |
|---------------------|------|---|
| <b>SUBTOTAL (1)</b> | (\$) | 0 |
|---------------------|------|---|

## 2. AMENDMENT CLAIM FEES

| Claims<br>Remaining<br>After Amend. | Highest No.<br>Previously<br>Paid For | Present<br>Extra | Rate | Fee Paid |
|-------------------------------------|---------------------------------------|------------------|------|----------|
|-------------------------------------|---------------------------------------|------------------|------|----------|

Total                      -                      =                      x \$ 50.00 =

Indep.                    -                    =                    x \$ 200.00 =

☐ First Presentation of Multiple Dep. + \$ 360.00 =

### Claim

TOTAL: (\$)

|                        |      |
|------------------------|------|
| SMALL ENTITY DISCOUNT: | (%)  |
|                        | (\$) |

|                     |               |
|---------------------|---------------|
| <b>SUBTOTAL (2)</b> | <b>(\$)</b> 0 |
|---------------------|---------------|

## CORRESPONDENCE ADDRESS

Direct all correspondence to:

**Patent Administrator**  
**Testa, Hurwitz & Thibault, LLP**  
**High Street Tower-125 High Street**  
**Boston, MA 02110**  
**Tel. No.: (617) 248-7000**  
**Fax No.: (617) 248-7100**

### SIGNATURE BLOCK

~~Respectfully submitted,~~

Date: January 7, 2005  
Reg. No.: 50,389  
Tel. No.: (617) 248-7097  
Fax No.: (617) 248-7100

Robert S. Blasi, Esq.  
Attorney for the Applicant  
Testa, Hurwitz & Thibault, LLP  
High Street Tower-125 High Street  
Boston, MA 02110



PATENT  
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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SECOND INFORMATION DISCLOSURE STATEMENT

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicant hereby makes of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. In accordance with the U.S. Patent Office's partial waiver of the requirement under 37 C.F.R. 1.98(a)(2)(i), only copies of the non-patent publications (C1-C3) are enclosed.

01/12/2005 MWDLGE1 00000002 09401874

01 FC:1806

180.00 OP

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☒ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- ☐ the requisite Statement is below, **OR**
- ☒ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or

- ☐ (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**
- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

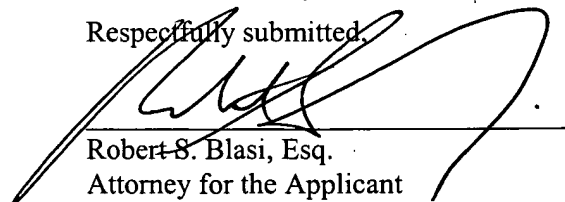
It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

### STATEMENT

As required under 37 C.F.R. 1.97(e), Applicant, through the undersigned, hereby states either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

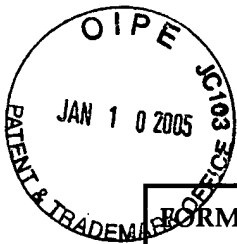
- ☐ 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- ☐ 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

  
Robert S. Blasi, Esq.  
Attorney for the Applicant  
Testa, Hurwitz, & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, Massachusetts 02110

Date: January 7, 2005  
Reg. No. 50,389

Tel. No.: (617) 248-7097  
Fax No.: (617) 248-7100



|  |   |  |             |   |                        |                  |                                   |                      |                           |
|--|---|--|-------------|---|------------------------|------------------|-----------------------------------|----------------------|---------------------------|
| <b>FORM PTO - 1449</b>                         |   |  |             | <b>ATTORNEY DOCKET NO.: CON-004 (1790/66)</b> |                        |                  |                                   |                      |                           |
| <b>SECOND INFORMATION DISCLOSURE STATEMENT</b> |   |  |             | <b>APPLICANT: Engel</b>                       |                        |                  |                                   |                      |                           |
|  |   |  |             | <b>SERIAL NO.: 09/401,874</b>                 |                        |                  |                                   |                      |                           |
|  |   |  |             | <b>FILING DATE: September 23, 1999</b>        |                        |                  |                                   |                      |                           |
|  |   |  |             | <b>GROUP: 2114</b>                            |                        |                  |                                   |                      |                           |
| <b>U.S. PATENT DOCUMENTS</b>                   |   |  |             |   |                        |                  |                                   |                      |                           |
| <b>EXAM. INIT.</b>                             |   | <b>DOCUMENT NUMBER</b>   | <b>DATE</b> | <b>NAME</b>                                   | <b>CLASS</b>           | <b>SUB CLASS</b> | <b>FILING DATE IF APPROPRIATE</b> |                      |                           |
|  | A2  | 5751965  | 5/12/98     | Desroches et al.                              |                        |                  |                                   |                      |                           |
|  |   |  |             |   |                        |                  |                                   |                      |                           |
|  |   |  |             |   |                        |                  |                                   |                      |                           |
|  |   |  |             |   |                        |                  |                                   |                      |                           |
|  |   |  |             |   |                        |                  |                                   |                      |                           |
|  |   |  |             |   |                        |                  |                                   |                      |                           |
| <b>FOREIGN PATENT DOCUMENTS</b>                |   |  |             |   |                        |                  |                                   |                      |                           |
| <b>EXAM. INIT.</b>                             |   | <b>DOCUMENT NUMBER</b>   | <b>DATE</b> | <b>COUNTRY CODE</b>                           | <b>CLASS</b>           | <b>SUB CLASS</b> | <b>FILING DATE</b>                | <b>ABSTRACT ONLY</b> | <b>ENGLISH LANG (Y/N)</b> |
|  |   |  |             |   |                        |                  |                                   |                      |                           |
| <b>OTHER ART, JOURNAL ARTICLES, ETC.</b>       |   |  |             |   |                        |                  |                                   |                      |                           |
| <b>EXAM. INIT.</b>                             | <b>OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)</b> |  |             |   |                        |                  |                                   |                      |                           |
|  | C1  | International Preliminary Examination Report of PCT/US00/26051; mailed Dec. 14, 2001.                          |             |   |                        |                  |                                   |                      |                           |
|  | C2  | European Search Report of 00963723.2-2413 <i>ex rel</i> PCT/US00/26051; mailed Feb. 12, 2003.                  |             |   |                        |                  |                                   |                      |                           |
|  | C3  | Communication pursuant to EPC Article 96(2) of 00963723.2-2413 <i>ex rel</i> PCT00/26051; mailed May 16, 2003. |             |   |                        |                  |                                   |                      |                           |
|  |   |  |             |   |                        |                  |                                   |                      |                           |
|  |   |  |             |   |                        |                  |                                   |                      |                           |
| <b>EXAMINER</b>                                |   |  |             |   | <b>DATE CONSIDERED</b> |                  |                                   |                      |                           |